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October 16, 2003

Mr. Paul Dabbs  
Statewide Planning Branch  
California Department of Water Resources  
P.O. Box 942836  
Sacramento, CA 94236-0001

**SUBJECT: California Water Plan Update 2003**

Dear Mr. Dabbs:

California homebuilders, represented by the California Building Industry Association, appreciate the opportunity to comment on the stakeholder briefing draft for the California Water Plan Update 2003 (Bulletin 160-03), dated September 30, 2003.

California homebuilders are committed to addressing the challenge of meeting the state's water supply needs. As part of a comprehensive strategy to increase the state's water supply, California policymakers must support projects, programs and laws aimed at promoting water conservation, water transfers, desalination, water storage and other alternative supply strategies in a way that is both economically and environmentally sound.

As a whole, the briefing draft contains some useful information regarding the state's water supply. However, we have significant concerns and take issue with Chapter 5 under the "Urban Land Use Management" section. California faces a variety of challenges in meeting its water supply needs, including finding water supply sources to meet the demands of new and existing residents who call California home. Yet, the briefing draft provides a one-sided story to California's water supply challenges.

Rather than describing both the economic and political challenges of producing affordable housing, providing jobs and a maintaining a stable economy, the urban land use section provides an unbiased and subjective description of California's land use patterns, choosing instead to focus on population growth, automobile usage and so-called suburban sprawl as the primary reason for the state's water supply problems. CBIA believes this discussion is unnecessary, especially since certain laws and regulations have played an equal, if not a more challenging role, in hampering the state's ability to produce new water supplies.

The briefing draft also contains a discussion about potential benefits to water supplies by recommending more infill development, but fails to mention the challenges associated with such development. With a shortage of developable land due to endangered species requirements, local zoning requirements and agricultural easements, homebuilders are increasingly turning to infill projects and prospecting for land in urban markets. However, the document does not discuss the liability challenges of infill development.

Perceived or real contamination found at many infill projects such as brownfield sites and the liability implications associated with the cleanup of these sites provide little incentive for developers to pursue such projects if they know they are going to be held liable for cleaning up a previous polluter's mess. Liability reform is needed in this area to provide an incentive for infill development. In addition, the briefing draft contains no discussion of the disincentive to pursue infill projects given a new state law requiring builders to provide prevailing wage if a project receives public funding.

On the issue of water supply and land use planning, homebuilders are more than willing to discuss ways of increasing the state's water supply so that all Californians may benefit, as well as improving the communication between local governments and water agencies. Homebuilders also support water conservation as a key strategy for increasing the state's water supply. While local governments should encourage more water efficient landscapes, mandating certain plants or landscapes without considering implementation costs or consumer choice issues is an incomplete discussion.

CBIA also disagrees that a water element is needed in local general plans because there are more than adequate laws for assessing water supplies prior to development. Over the past couple of years, the Legislature has devoted considerable attention on how to improve the water assessment process, and we were involved and even supported some of the resulting laws. But adding another paper document to the general plan process will create a duplicative and unnecessary mandate that will inevitably provide an open door to litigation or provide another tool for NIMBYs to stop needed infrastructure projects, including affordable housing. Unfortunately, even when alternative water supplies (i.e. water conservation) are used for development projects, no-growth advocates still oppose them out of fear that there may be some type of "growth inducing" impact.

Again, while the briefing document as a whole contains some useful information, CBIA requests that the urban land use section under Chapter 5 be revised. The briefing document needs to move away from a subjective discussion about sprawl and change its recommendations for mandating specific development patterns without also describing both the legal and policy changes associated with such projects. Thank you for considering our comments.

Sincerely,

Brian E. White

cc: Jonas Minton, Deputy Director, DWR